

Message Text

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ACTION EB-07

INFO OCT-01 ARA-06 ISO-00 L-03 CAB-02 CIAE-00 COME-00

DODE-00 DOTE-00 INR-07 NSAE-00 FAA-00 /026 W

----- 032407

R 151300Z NOV 75

FM AMEMBASSY QUITO

TO SECSTATE WASHDC 7990

INFO AMCONSUL GUAYAQUIL

C O N F I D E N T I A L QUITO 8360

E.O. 11652: GDS

TAGS: EAIR, EC

SUBJECT: CIVIL AVIATION AGREEMENT

REF: QUITO 7580

PLEASE PASS TO CAB FOR DONALD LITTON

1. GOE FOREIGN MINISTRY AND DAC, AFTER TWO-WEEK DELAY IN RESPONDING TO EMBASSY'S REPEATED REQUESTS FOR PROMPT SETTING OF DATE FOR SIGNING OF SUPPLEMENTARY UNDERSTANDING (WHICH WAS TYPED AND READY FOR SIGNATURE ONE WEEK AGO), ON NOVEMBER 14 INFORMED ECONOMIC/COMMERCIAL COUNSELOR THAT THEY WISH TO DELETE ATTACHMENTS B AND C AND, ACCORDINGLY, TO STRIKE OUT THE REFERENCE TO THOSE ATTACHMENTS IN PARAGRAPH 9 OF THE SUPPLEMENTARY UNDERSTANDING ITSELF (SO THAT PARAGRAPH 9 WOULD READ: "...ISSUE SUCH OPERATING PERMITS TO THE RESPECTIVE AIRLINES AS MAY BE NECESSARY TO IMPLEMENT THIS UNDERSTANDING.") THEY CONTEND THAT THOSE ATTACHMENTS, WHICH SHOW THE FORM AND TEXTS OF THE OPERATING PERMITS TO BE ISSUED BY THE CAB ON BEHALF OF ECUATORIANA (ATTACHMENT B) AND BY THE GOE'S NATIONAL CIVIL AVIATION COUNCIL (CNAC) ON BEHALF OF BRANIFF (ATTACHMENT C), REQUIRE PRESIDENTIAL APPROVAL FOR THE FORMER AND APPROVAL BY THE CNAC FOR THE LATTER, BOTH PROCESSES REQUIRING MANY WEEKS, DURING WHICH THERE MIGHT BE SOME RESULTANT LEGALISTIC IMPEDIMENTS TO IMPLEMENTATION OF THE UNDERSTANDING. THEY

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ASSERT THAT SUCH COMPLICATIONS CAN BE AVOIDED SIMPLY BY

OMITTING THE ATTACHMENTS AND THE REFERENCE TO THEM IN PARAGRAPH 9.

2. COUNSELOR REPLIED THAT HE SEES NO POSSIBILITY OF SUCH COMPLICATIONS, SINCE THE SOLE REFERENCE TO THE ATTACHMENTS, IN PARAGRAPH 9, STATES "EACH GOVERNMENT WILL...ISSUE SUCH OPERATING PERMITS...IN THE FORM SET FORTH IN ATTACHMENTS B AND C...", AND IT IS THUS CLEAR THAT THE ATTACHMENTS ARE INTENDED ONLY TO SHOW THE FORM IN WHICH PERMITS ARE TO BE ISSUED; AND ATTACHMENT B IS LABELED "SPECIMEN PERMIT", AND IF WE SIMPLY ADD A SIMILAR LABEL ON ATTACHMENT C IT WILL BE UNMISTAKEABLY OBVIOUS THAT THE ATTACHMENTS ARE MERELY SPECIMENS, NOT INTENDED IN THEMSELVES TO SERVE AS OPERATING PERMITS. THE REPRESENTATIVES OF THE FOREIGN MINISTRY (ARTURO LECARO, DIRECTOR DEL DEPARTAMENTO DIPLOMATICO) AND DAC (COLONEL JAIME SUAREZ, DIRECTOR GENERAL) WERE UNSWAYED BY THIS LOGIC, AND INSISTED THAT THE ATTACHMENTS BE DELETED. COUNSELOR SAID HE WOULD RELAY THEIR REQUEST TO WASHINGTON AND REPORT WASHINGTON'S RESPONSE TO THEM AS SOON AS RECEIVED.

3. EMBASSY COMMENT: WE ARE SUSPICIOUS AS TO THE MOTIVE BEHIND THIS REQUEST, NOT ONLY BECAUSE THEIR ARGUMENTATION FOR IT IS SO FLIMSY, BUT ALSO BECAUSE IT FOLLOWS UPON TWO WEEKS OF FOOT-DRAGGING ON THEIR PART IN RESPONDING TO OUR DAILY PRODDINGS FOR THEIR PROMPT APPROVAL OF THE TEXTS (AS TYPED IN FINAL BY THE EMBASSY) AND FOR FIXING A DATE FOR SIGNING. WE WONDER IF THESE ARE SIMPLY DILATORY TACTICS INTENDED TO HOLD OFF FINALIZATION OF THE UNDERSTANDING UNTIL ECUATORIANA IS BETTER GEARED TO COMMENCE THE OPERATIONS AUTHORIZED IN THE UNDERSTANDING.

4. WOULD APPRECIATE PROMPT GUIDANCE. IF YOU SEE NO PROBLEMS IN GOING ALONG WITH THEIR REQUEST, WE WILL PRESS FOR THE SIGNING TO BE HELD BY THE END OF NEXT WEEK (IN ABSENCE OF AMBASSADOR DURING PERIOD NOVEMBER 18-29, CHARGE WOULD SIGN). IF ON OTHER HAND YOU INSIST ON RETENTION OF ATTACHMENTS, WE ARE PREPARED TO ARGUE FORCEFULLY FOR RETENTION. PERHAPS A DIRECT TELEPHONE CALL FROM DON LITTON (IMMEDIATELY UPON RECEIPT OF THIS TELEGRAM) TO COLOLEL SUAREZ WOULD
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FACILITATE PROMPT RESOLUTION OF THIS MATTER; IF SUCH CALL IS PLACED, PLEASE INFORM EMBASSY FORTHWITH OF RESULTS OF CALL.
BREWSTER

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NNN

Message Attributes

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Draft Date: 15 NOV 1975
Decaption Date: 01 JAN 1960
Decaption Note:
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Disposition Date: 28 MAY 2004
Disposition Event:
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Drafter: n/a
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